

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TRUMAN ARNOLD COMPANIES,

PLAINTIFF

V.

NO: 2:09CV31-MPM-DAS

SOUTHAVEN CONOCO, LLC, ET AL.

DEFENDANTS

CONSOLIDATED WITH

SALAH ELHURAIBI, ET AL.

PLAINTIFFS

V.

NO. 2:09CV137

SOUTHAVEN CONOCO, LLC, ET AL.

DEFENDANTS

ORDER

Before the court are two motions to quash a second deposition subpoena (# 83 & # 84 in 2:09cv31 & # 67 & 68 in 2:09cv137) served by the plaintiffs (in 2:09cv137). The court finds the motions to quash are now moot. The subject subpoena required Ms. Cindy Vickers' appearance for a deposition in Southaven, Mississippi on November 9. The instant motions were filed the day before on November 8, but no party notified the court of the urgent nature of the matter. Nevertheless, in their response to the motions, the plaintiffs essentially request that the court compel Conoco, Inc. to present a representative for a deposition on the ground that the subject subpoena served as adequate notice to Conoco, Inc. Accordingly,

IT IS ORDERED that

1. The motions to quash are **DENIED** as moot.
2. That on or before November 17, 2010, plaintiffs shall serve Conoco, Inc. with a copy of their response to the motions to quash (filed herein on November 10) **along with a copy of**

this Order.

3. That on or before November 22, Conoco, Inc. shall file a response to plaintiffs' allegations regarding service of the subpoena on Conoco, Inc. and their request for an order compelling Conoco to produce a representative for a deposition.

SO ORDERED this 12th day of November, 2010.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE